BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE

IN THE MATTER OF:

An Ordinance of the City Council of the City of Lafayette to amend the planned unit development to reduce the project unit count from the approved eighty (80) units to a project of not less than sixty (60) units for 2.46 acres of property generally located at Risa Road and Mt. Diablo Blvd. in the City of Lafayette	))))))	**Ordinance 573**

WHEREAS, on September 10, 2007, the City Council of the City of Lafayette ("City Council") conducted a duly noticed public hearing on a request to approve a change of zone ("Change of Zone") from C (General Commercial) to P1 (Planned Unit Development) for approximately 2.46 acres of real property generally located at Mt. Diablo Blvd. and Risa Road in the City of Lafayette, at which time all persons wishing to testify in connection with the Change of Zone were heard and the Change of Zone request was fully studied;

WHEREAS, on September 24, 2007, the City Council adopted Ordinance 569 approving the Change of Zone based on the entire record before the City Council, all written and oral evidence presented to the City Council and the necessary findings;

WHEREAS, in December 2007, the applicant submitted an application to amend the approved planned unit development to reduce the number of units in the project from eighty to not less than sixty;

WHEREAS, on March 6, 2008, the Planning Commission of the City of Lafayette ("Planning Commission") conducted a duly noticed public hearing to consider the request to amend the planned unit development, at which time the request was fully studied. The Planning Commission, by a vote of 6-1, recommended approval of the request to the City Council;

WHEREAS, on March 24, 2008, the City Council conducted a duly noticed public hearing on the request to amend the planned unit development, at which time all persons wishing to testify were heard and the request was fully studied;

NOW THEREFORE BE IT RESOLVED THAT:

Section 1. Amendment to the Planned Unit Development. Based on the entire record before the City Council, all written and oral evidence presented to the City Council, and the findings made in this Ordinance, the request to amend the planned unit development to reduce the number of units from eighty to not less than sixty is granted, consistent with Chapter 6.11 of Title 6 of the Lafayette Municipal Code.

Section 2. Findings. Pursuant to Lafayette Municipal Code Section 6-1108 and based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council hereby makes and adopts the following findings:

A. That the Applicant intends to start construction on the Property within two and one-half years from the effective date of the Zone Change;

B. That the proposed planned unit development substantially conforms to the Lafayette general plan because it consolidates several parcels into one integrated development providing for a cohesive design, which is consistent with the existing and planned uses surrounding the Property;

C. That the proposed planned unit development is needed at the proposed location to provide

owner-occupied multiple-family residential units. The proposed project will add residential population to the downtown, thereby increasing the level of activity during the evenings and weekends;

D. That traffic congestion will not likely be created by the proposed use, or will be obviated by presently projected improvements and by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking; that said development will be attractive and efficient and will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding development;

E. That the development of a harmonious, integrated plan justifies exceptions from the normal application of Title 6 of the Lafayette Municipal Code;

F. That the density proposed in the project is consistent with the general plan.

Section 3. CEQA. The City Council hereby finds that the environmental effects of this request to reduce the number of units have been thoroughly analyzed in the previously adopted Mitigated Negative Declaration and Mitigation Monitoring Program concerning General Plan Amendment Resolution No. 2007-039.

Section 4. Effective Date. This Ordinance becomes effective thirty (30) days after its adoption.

Section 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not effect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

Section 6. Publication. The City Clerk shall either (a) have this ordinance published in a newspaper of general circulation once within fifteen (15) days after its adoption, or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption and again within fifteen (15) days after adoption.

The foregoing ordinance was introduced at a meeting of the City Council of the City of Lafayette held on March 24, 2008, and was adopted and ordered published at a meeting of the City Council held on April 14, 2008.

PASSED AND ADOPTED by the City Council of the City of Lafayette at a regular meeting of said Council on April 14, 2008, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Joanne Robbins, City Clerk

APPROVED:

Michael Anderson, Mayor

Exhibit A
Legal Description of the Property